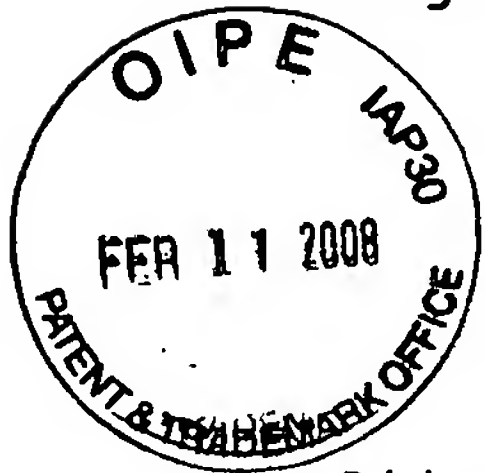


IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Regarding: Charles O. Townley
Serial No. 10/758,455
Filing Date 01/15/2004
Docket No. THUMB-604DIV
For MODULAR BASAL THUMB JOINT IMPLANT

Supplemental Statement

Attention: Art Unit 3738
Clerical Staff
Examiner Brian E. Pellegrino

Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450:

I certify that this correspondence is deposited with the U.S. Postal Service in an envelope with sufficient postage as first class mail addressed to the Office address above on 7 FEB 2008:

Christopher John Rudy: Christopher John Rudy 2/7/2008.

On February 6, 2008 I deposited a Request for Reconsideration of Prospective Objection and a Brief for Appellant with PTO-2038 (and a return receipt postcard) in a truck at the Port Huron Post Office facility with Post Office personnel present, for transfer that day to the Royal Oak facility for sorting and then delivery. The papers were in a 9" by 12" manila envelope addressed to the Office address above in the direction of the envelope's 12-inch length. The envelope weighed about 8-1/2 ounces, so had affixed to its front for nine ounces \$2.16 in postage stamps (2 @ \$1; 1 @ 10¢; 1 @ 5¢; 1 @ 1¢), and was rubber-stamped, "FIRST CLASS MAIL."

On the front pages of the Request and Brief were certificates of mailing that read, "I certify that this correspondence is deposited with the U.S. Postal Service in an envelope with sufficient postage addressed to the Office address above on Feb 6th, 2008/6 FEB 2008." I noticed this morning that neither certificate expressly said, "first class mail," as usually done. The first sentence of 37 CFR 1.8(1)(ii), however, only states:

"The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission." There thus is no requirement thereby for the recitation, "first class mail," to appear expressly in the certificate of mailing.

As a NOTICE OF APPEAL in this application was timely filed on December 4, 2007 and received in the Office on December 6, 2007, the due date for a brief was February 6, 2008. It is believed that the submissions deposited under the certificates of mailing on February 6, 2008 as noted above were properly timely filed.

Please inform the undersigned promptly if you deem otherwise.

Respectfully submitted,

Christopher John Rudy

Dated: Feb. 7, 2008 A.D.

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